

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DENISE LYMAN,

Plaintiff,

-against-

NEW YORK CITY HEALTH AND
HOSPITALS CORPORATION,

Defendant.

20-CV-4390 (CM)

ORDER DIRECTING PAYMENT OF FEE
OR AMENDED IFP APPLICATION

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff brings this action *pro se*. To proceed with a civil action in this Court, a plaintiff must either pay \$400.00 in fees – a \$350.00 filing fee plus a \$50.00 administrative fee – or, to request authorization to proceed *in forma pauperis* (IFP), that is, without prepayment of fees, submit a signed IFP application. *See* 28 U.S.C. §§ 1914, 1915.

Plaintiff submitted an IFP application, but her responses do not establish that she is unable to pay the filing fees. Plaintiff states that she is employed with gross monthly pay or wages of \$7,200.00, which is her sole source of income. She asserts that she has approximately \$8,000.00 to \$10,000.00 in a bank account, and that she owns an automobile that is worth about \$4,000.00 and real estate for \$475,000.00. Plaintiff indicates that she has no dependents and pays approximately \$4,380.00 in monthly expenses for housing, insurance, and utilities. She also asserts that she has credit card debts totaling about \$7,5000.00. Thus, it appears that Plaintiff may have sufficient funds to pay the filing fees.

Accordingly, within thirty days of the date of this order, Plaintiff must either pay the \$400.00 in fees or submit an amended IFP application. If Plaintiff submits an amended IFP application, it should be labeled with docket number 20-CV-4390 (CM), and address the deficiencies described above by providing facts to establish that she is unable to pay the filing

fees. If the Court grants the amended IFP application, Plaintiff will be permitted to proceed without prepayment of fees. *See* 28 U.S.C. § 1915(a)(1).

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. No summons shall issue at this time. If Plaintiff complies with this order, the case shall be processed in accordance with the procedures of the Clerk's Office. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: June 18, 2020
New York, New York

A handwritten signature in black ink, appearing to read 'Colleen McMahon', is written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge